

## **TITLE 5: HIGHWAYS, TRAFFIC**

### **DIVISION 2: TRAFFIC**

#### **Chapter 7: Regulation of Access by time of Day and Emergency Rules and Regulations on the Colorado River.**

##### **Sections:**

52.0701	Purpose.
52.0702	Areas on the Colorado River with Access by Time of Day Regulations
52.0703	Exceptions to Access by Time of Day Regulations
52.0704	Emergency Rules and Regulations
52.0705	Notice.
52.0706	Penalty

##### **52.0701 Purpose**

The purpose of this Chapter is to provide the Sheriff with authority for regulating access by time of day and for establishing emergency rules and regulations for all geographical areas on the waterways of the Colorado River that are within the jurisdiction of the County of San Bernardino as may be necessary to promote public safety; to preserve life; to protect property; to reduce the hazards created by conflicting uses; and to coordinate the County's law enforcement activities with other interested state and federal agencies, agencies from contiguous counties, and tribal governments of affected Indian tribes. This Chapter is necessary because of the heavy congestion of vessels on the Colorado River within the County's jurisdiction. These circumstances have resulted in unsafe conditions, and an inability of Sheriff's Department personnel to maintain public safety and reach injured persons to render medical aid. Access regulations by time of day are necessary to maintain open waterways, to enable the Sheriff to timely and adequately provide for the public safety and to rapidly and adequately respond to medical emergencies on the Colorado River.

Adopted Ordinance #3686 (1997);

##### **52.0702 Areas on the Colorado River with Access by Time of Day Regulations.**

(a) ESTABLISHING ACCESS BY TIME OF DAY REGULATIONS. Whenever the Sheriff determines that it is necessary to regulate access to any area or areas on the Colorado River under the County's jurisdiction in order to promote public safety, to preserve life, or to protect property, he or she shall regulate access by time of day on such area or areas for the public and shall erect and prominently post notice of the regulations on specially marked signs and/or buoys to provide adequate notice to the public of the access by time of day regulations and the geographical boundaries of the regulated areas. No person shall enter or remain within the areas of the Colorado River that are posted as areas regulated to deny access pursuant to access by time of day regulations, during the regulated time period specified in the posted notice. Access by time of day regulations shall be established as the Sheriff determines in the exercise of his or her reasonable discretion are necessary under the circumstances relating to the affected area.

(b) APPLICATION OF ACCESS BY TIME OF DAY REGULATIONS. Access by time of day regulations during the applicable periods and in the regulated posted areas shall deny access to boaters, swimmers, water-skiers, and operators of personal water craft; prohibit use by the public of power vessels, vessels without power, floating devices, and all other devices, crafts or vehicles, designed to be used in, on, and/or under water, however powered; and prohibit all other water-oriented activity subject to local control.

Adopted Ordinance #3686 (1997);

##### **52.0703 Exceptions to Access by Time of Day Regulations.**

Whenever access by time of day regulations are implemented under this chapter, temporary access shall be permitted into and out of posted areas to persons experiencing emergencies, and to owners, residents, and Indian tribal members of lands and Indian country as defined by federal law and border the Colorado River, and the spouses and children of owners, residents, and Indian tribal members of lands and Indian country as defined by federal law that border the Colorado River, for the limited purpose of affording such persons access to and from lands which they or their family member owns or on which they or their family member resides or over which their tribe or their family member's tribe has jurisdiction, upon a showing of proof of ownership, residency or tribal status, or applicable family affiliation.

Adopted Ordinance #3686 (1997);

##### **52.0704 Emergency Rules and Regulations.**

(a) **PURPOSE.** The purpose of this section is to address temporary emergency circumstances or conditions arising on the waterways of the Colorado River that are within the jurisdiction of the County which are required to insure the safety of persons and property because of disaster or other calamity.

(b) **AUTHORITY.** The authority to implement emergency rules and regulations on the waterways of the Colorado River that are within the jurisdiction of the county during an emergency shall be vested with the Sheriff, after the Sheriff has consulted with tribal governments of affected Indian tribes, and has consulted with and obtained the approval of the California Department of Boating and Waterways prior to the adoption of any emergency rules or regulations.

(c) **DURATION.** Implementation of emergency rules and regulations on the waterways of the Colorado River during an emergency shall remain in effect no longer than sixty (60) days, unless extended beyond sixty (60) days by the Sheriff with approval of the California Department of Boating and Waterways.

(d) **DECLARATION OF IMPLEMENTATION OF EMERGENCY RULES OR REGULATIONS.** A declaration of implementation of emergency rules or regulations shall be made by the Sheriff prior to implementation of emergency rules or regulations, which shall include an identifying description of the affected area, a brief statement of the circumstances or conditions constituting the emergency, and the type or types of emergency rules or regulations to be imposed on the area.

Adopted Ordinance #3686 (1997);

#### **52.0705 Notice.**

##### **(a) PLACEMENT OF REGULATORY WATERWAY MARKERS**

(1) **AREAS SUBJECT TO ACCESS BY TIME OF DAY REGULATIONS.** When an area is designated as being subject to access by time of day regulations, the Sheriff shall erect and post specially marked signs and/or buoys giving notice of the access by time of day regulations and the notice of the access by time of day regulations and the geographical boundaries of the regulated area, prominently displayed on the waterway immediately outside the area subject to access by time of day regulations in places where boaters and swimmers will have sufficient notice in order to permit them to comply with the access regulations.

(2) **AREAS SUBJECT TO EMERGENCY RULES OR REGULATIONS.** When emergency rules or regulations are to be imposed on an area, the Sheriff shall erect and post specially marked signs and/or buoys giving notice of the emergency rules or regulations and the geographical boundaries of the regulated area, prominently displayed on the waterway immediately outside the affected area in places where boaters and swimmers will have sufficient notice of the emergency rules or regulations in order to permit them to comply with the emergency rules or regulations.

(b) **WORDING AND SIZE OF REGULATORY SIGNS.** The wording and size of waterway signs and buoys shall be approved by the Sheriff's Department and appropriate state and federal agencies after the Sheriff's Department has consulted with tribal governments of affected Indian tribes.

(c) **MAINTENANCE OF REGULATORY SIGNS.** All waterway signs and buoys shall be maintained by the Sheriff's Department in proper condition or be replaced or removed, within the discretion of the Sheriff.

Adopted Ordinance #3686 (1997);

#### **52.0706 Penalty.**

A violation of this Chapter or any access by time of day regulations or any emergency rules and regulations implemented pursuant to this Chapter shall be a misdemeanor.

Adopted Ordinance #3686 (1997);